

NTSB Order No.  
EM-1

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D. C.

Adopted by the National Transportation Safety Board  
at its office in Washington, D. C.,  
on the 16th day of January, 1969.

WILLARD J. SMITH, Commandant of the United States Coast Guard

vs.

BYRON VOUTSINAS

Docket ME-6

AMENDMENT OF ORDER

On October 24, 1968, the Board issued Order No. EM-1, dismissing the appeal in the instant proceeding. Thereafter, by letter dated November 6, 1968, counsel for the appellant requested correction of the third sentence of the order, which reads:

"\*\*\*Counsel for the Commandant, in opposing the appeal, asserts the denial was proper under the applicable law, and further that the appeal should be dismissed because the decision of the Commandant is final and cannot be reversed by the Board under the existing law and applicable regulations."

by striking the words "...the denial was proper under applicable law, and further...". Appellant's counsel argues that removal of such language is necessary to "remove the possible implication that the Board might have considered the merits, rather than jurisdiction only, in dismissing the appeal."

The Coast Guard has filed a letter with the Board, dated November 20, 1968, stating that "no objection is perceived to the substance of the requested amendment."

Accordingly, on its own motion, the Board having duly considered the matter,

IT IS HEREBY ORDERED that the Order No. EM-1, issued on October 24, 1968, be and it hereby is amended by striking the words "...the denial was proper under applicable law, and further..." from the third sentence thereof.

By the National Transportation Safety Board:

JOSEPH J. O'CONNELL, JR.  
Chairman

(SEAL)

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EM-1

UNITED STATES OF AMERICA  
NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D. C.

Adopted by the National Transportation Safety Board  
at its office in Washington, D. C.,  
on the 24th day of October, 1968.

WILLARD J. SMITH, Commandant of the United States Coast Guard

vs.

BYRON VOUTSINAS

Docket ME-6

ORDER DISMISSING APPEAL

The seaman, represented by counsel, has appealed from the action of the Commandant of the Coast Guard, in denying him a license to serve as a mate. In support of his appeal, he urges that the denial was improper under the applicable statutory law and regulatory standards. Counsel for the Commandant, in opposing the appeal, asserts the denial was proper under the applicable law, and further that the appeal should be dismissed because the decision of the Commandant is final and cannot be reversed by the Board under the existing law and applicable regulations.

We agree with counsel for the Commandant that the Commandant's decision denying a mate's license to the appellant is final, and hence not subject to our review. Under Sec. 5(m) of the Department of Transportation Act of 1966 [80 Stat. 936], this Board is, inter alia, authorized to delegate its functions to hear appeals from denials of mariners' licenses to an official of the Department of Transportation, with the approval of the Secretary. By Sec. 400.43 of the Organization Regulations, 14 CFR §400.43, we have delegated this function to the Commandant of the Coast Guard. Consequently, his action in denying appellant a license represents the final administrative action that can be taken with respect thereto. We, consequently, lack the jurisdiction to entertain the present appeal.

ACCORDINGLY, IT IS ORDERED THAT:

The instant appeal from the order of the Commandant of the Coast Guard be and it is hereby dismissed.

By the National Transportation Safety Board:

JOSEPH J. O'CONNELL, JR.  
Chairman

(SEAL)